

KING COUNTY BOARD OF HEALTH
999 Third Avenue, Suite 1200
Seattle, Washington 98104-4039

Carolyn Edmonds, *Board of Health Chair*

BOH Members:

Richard Conlin
Dow Constantine
George W. Counts
Jan Drago
Carolyn Edmonds
Ava Frisinger
Larry Gossett
David Hutchinson
David Irons
Kathy Lambert
Frank T. Manning
Bud Nicola
Margaret Pageler
Alonzo Plough

BOH Staff:

Maggie Moran

KING COUNTY BOARD OF HEALTH MEETING PROCEEDINGS

**January 24, 2003
King County Council Chamber**

Roll call

- Carolyn Edmonds-Chair,
- Dow Constantine
- Kent Pullen
- Larry Gossett
- Richard Conlin
- Jan Drago
- David Irons
- Margaret Pageler
- David Hutchinson
- Ava Frisinger

Members absent:

- Kathy Lambert

Staff present:

- Alonzo Plough
- Maggie Moran
- Craig Page
- Jane McKenzie

Call to order

Chair Edmonds called the meeting to order at 9:55 a.m.

Announcement of Alternates

No alternates in attendance.

Approval of November 15, 2002 Minutes, Approval of December 10, 2002 Minutes

Motion: A motion was made and seconded to approve the minutes of November 15th and December 10th. The motion passed.

General Public Comments

No general public comments.

Chair's Report

A. Election of Officers

Per the Board Operating Rules and consistent with RCW 70.05.0404, the Board elected the Chair and Vice Chairs as follows.

- Board Member Hutchinson nominated Board Member Carolyn Edmonds for Chair. M/S/A
- Board Member Constantine nominated Board Member Larry Gossett for Vice Chair - King County Council. M/SA
- Board Member Drago nominated Board Member Margaret Pageler for Vice Chair - Seattle City Council. M/S/A
- Board Member Frisinger nominated Board Member Hutchinson for Vice Chair - Suburban Cities. M/S/A.

B. State Board of Health

Chair Edmonds provided an update on the joint meeting with the State Board of Health held in December. Chair Edmonds said the joint meetings provided an excellent opportunity for dialogue between the State Board and the local Board. She added that this was particularly significant because of the local board's responsibility to carry out State Board policies and regulations and also because King County was the largest local health jurisdiction in the State. Chair Edmonds stated that she would attempt to make the joint meeting an annual event.

Chair Edmonds provided a brief update on the State Board of Health meeting on January 8th in Olympia. She noted that there had been a presentation and discussion about the West Nile Virus and the Department of Health's plans and preparations to respond to this emerging health issue; a discussion about indoor air quality, particularly in schools; and a detailed briefing on the Public Health Improvement Partnership and the Public Health Improvement Standards. She noted that Public Health - Seattle and King County was in receipt of the baseline assessment results and confirmed that the Department planned to provide a briefing on the Standards later this year.

C. Report of Ad Hoc Recruitment Committee

Chair Edmonds stated that the Committee had received and reviewed 16 applications for the three health professional positions on the Health Board. Chair Edmonds noted that the Board had been provided a written report in which the following recommendation was outlined:

- Ms. Frankie Manning, Associate Director of Nursing Service for the VA Puget Sound Health Care System for two-year term with voting status in 2003, non-voting in '04.
- Dr. George Counts, Senior Advisor for Special Populations for the HIV Vaccine Trials Network at the Fred Hutchinson Research Center, for a two-year term, non-voting in '03 and voting in '04.

- Dr. Bud Nicola, on assignment from the Centers for Disease Control and Prevention at the University of Washington, for a two -year term, representing Environmental Health with voting status both years.

The report of the Ad Hoc Recruitment Committee was moved, seconded and approved. Chair Edmonds called for a motion to accept the above mentioned candidates for membership on the Board of Health. The motion was moved, seconded and approved.

Director's Report

A. Emergency Preparedness Update

Dr. Plough stated that the Department's emergency preparedness and bioterrorism preparedness activities had been singularly focused on smallpox. Dr. Plough stated that in the latter months of 2002 there were a number of fast moving requests from the Centers for Disease Control for local health jurisdictions to rapidly develop a planning approach. The "Stage 4 planning" was designed to describe worst case scenarios and steps Seattle and King County might take in order to vaccinate upwards of a million people over the course of five or six days. The second - "Stage 1" planning was designed to describe how a local health jurisdiction would vaccinate a very small number of smallpox first responders such as hospital-based personnel and public health personnel. Dr. Plough stated that the Department was now on an accelerated timeline to implement the Stage 1 plan. Dr. Plough noted that there has been considerable controversy across the nation in regards to the pace at which the Federal government has asked public health officials to implement Stage 1. Dr. Plough stated that the controversy rests with the accelerated time frame called for and the concerns many health professionals who might receive the vaccination have expressed regarding the liability compensation and work safety issues for themselves and the patients they treat during the post-vaccination period.

Dr. Plough stated that the Department has been working closely with the City, the County, and local hospital officials. He stated that they would be ready for implementation in late February or early March. Dr. Plough stated that he and his public health colleagues from across the country were urging the Administration that Stage 2 and 3 were not warranted to provide protection at this time. Dr. Plough concluded by stating that the Department was working to address concerns so that those individuals who did volunteer were very carefully screened against the complications that would rule them out from taking this vaccine.

A Board discussion ensued about compensation from the federal government to undertake smallpox planning and the legal obligation to comply with the federal directive. Dr. Plough estimated that there was a direct unfunded cost, related to Stage 1 planning, just to vaccinate 1,600 people, of approximately \$300,000. Dr. Plough indicated that state and national public health leadership were in the process of exploring legal options. He added that the Prosecuting Attorney's Office and the City Attorney's Office had been engaged regarding the liability issues related to Stage 1 planning and that the framework for a hold harmless provision was evolving through discussions with the Federal Government. Dr. Plough added there was a provision of the Homeland Security Act, section 304, that would allow individuals, who were harmed by the vaccine, if given by sanctioned individuals, to sue the Federal government for damages. He added that there were two or three different bills introduced in Congress that would provide a fund that would compensate individuals for vaccine complications in their workplace.

Board Member Conlin requested that the Board Chair draft a letter from the Board of Health to the Congressional delegation to express concerns about the: necessity for science-based smallpox preparedness effort, adequate funding for planning and implementation; and confirmation of liability coverage for health professional workers who volunteer for vaccination.

Chair Edmonds directed staff to prepare the letter for her signature.

B. Rulemaking - Milk and Milk Products

Roman Welyczko from the Environmental Health Division provided an overview of the proposed regulation related to Milk and Milk Products. Mr. Welyczko indicated that the particular section of the code in question dated from 1995 and governed the regulation of milk and milk products in the City of Seattle. He added that this particular code had not been relied upon by the Department to ensure proper health and wholesomeness of raw milk and milk products for decades. He stated that the Board of Health code, Title 5, which was the King County food code, milk and milk products were regulated and had been for decades. Mr. Welyczko stated that in effect raw milk could be sold in King County and theoretically could be sold in the City of Seattle. He added that he was not aware of any milk sellers or distributors in the City or King County who sold raw milk. He stated that within King County, raw milk could be sold but it had to be Grade A and it had to be accompanied by appropriate warning labels to let consumers know that they were purchasing raw milk. Mr. Welyczko stated that the amendment offered to the Board of Health would remove an outdated regulation and maintain existing Board of Health rules and regulations governing milk and milk products.

Public Hearing

No public testimony given. No written testimony received.

Board Member Pullen inquired about the public notice provisions and outreach conducted by the Department. A discussion ensued about steps taken by the Department.

A motion was made to adopt the amendment to Title 5 of the Code of the King County Board of Health and amend the Seattle Health Code as codified in Title 10 of the Seattle Municipal Code. The motion was seconded. Chair Edmonds requested the roll be called.

The votes were as follows:

Board Member Conlin - Aye.
Board Member Constantine - [absent]
Board Member Drago - Aye.
Board Member Frisinger - Aye.
Board Member Gossett - [absent]
Board Member Hutchinson - Aye.
Board Member Irons - Aye.
Board Member Lambert - [absent]
Board Member Pageler - Aye.
Board Member Pullen - Aye.
Chair Edmonds - Aye

The motion carried and met the special majority requirement for the City of Seattle.

C. Rulemaking - Local Hazardous Waste Management (Action Item)

Roman Welyczko stated that the Local Hazardous Waste Management provision was essentially a housekeeping measure. He stated that Seattle Municipal Code Chapter 10.6 paralleled the existing Board of Health Code Chapter 2.08 governing the local Hazardous Waste Management Coordination Committee. He added that the Coordinating Committee consisted of representatives from former Metro, now Department of Natural Resources, Solid Waste Division, and Water and Land Resources Division. He stated that the Committee was responsible for making recommendations for contracts between County agencies and Suburban Cities with entities for the control and management of moderate risk waste. Mr. Welyczko stated that the amendment before the board meant that the Board of Health Code Chapter 2.08 would have effect Countywide including within the City of Seattle.

Board Member Conlin inquired about the different names used to reference the Department. Mr. Welyczko stated that the legal name of the Department, used for contracting purposes and other legal documents such as the Code was "Seattle-King County Department of Public Health," and "Public Health Seattle-King County" was the more commonly used term for general public communication purposes.

Public Hearing

Chair Edmonds identified Liz Tennant as having registered to provide public testimony.

Liz Tennant

"Hello, my name is Liz Tennant. I'm with the Office of the Program Administrator for the local Hazardous Waste Management Program. And as I think you know, we're a multi-agency, multi-jurisdictional program. And I just wanted to say that we're supportive of this merger and see it being in the public interest to have uniform code for the program."

No written testimony received.

Maggie Moran, Board Administrator clarified for the Board that the matter before the Board required two Special Majorities as well as the quorum.

A motion was made to adopt the amendment to Chapter 2.08 of the Code of the King County Board of Health and the Seattle Health Code as codified in Title 10. Chair Edmonds requested a roll call.

The votes were as follows:

Board Member Conlin - Aye.
Board Member Constantine -Yes.
Board Member Drago - Aye.
Chair Edmonds - Aye.
Board Member Frisinger - Aye.
Board Member Gossett - [absent]
Board Member Hutchinson - Aye.
Board Member Irons - Aye.
Board Member Lambert - [absent]
Board Member Pageler - Aye.
Board Member Pullen - Aye.

Ms. Moran stated that the vote carried and that the vote met the special majority requirement.

Chair Edmonds inquired as to whether or not a Mr. Jeff Haney was still present in the chamber and wished to address the Board. Mr. Haney did not come forward. Chair Edmonds indicated that Mr. Haney had not indicated what subject he wished to comment on and thus was perhaps unfortunately overlooked. She extended her apologies to Mr. Haney in absentia.

2003 Legislative Discussion

Chair Edmonds indicated that she had invited Tom Bristow, a lobbyist for the King County Council to join the discussion. Chair Edmonds announced that she had also requested that Dr. Plough provide an overview of the Department's legislative priorities, followed by Kathy Uhlorn's analysis of the Governor's proposed budget and its impacts on Public Health.

Dr. Plough stated that the number one priority for the Department was public health funding. He stated that the MVET backfill dollars continued to be at risk. He directed the Board's attention to the Board packets where documents described the other four Department priorities: tobacco sampling, tobacco definitions, applied preemption, and restrictions on the sale of herbal cigarettes.

Chair Edmonds inquired about whether any bills had been introduced related to the Department's priorities. Ms. Moran indicated that a bill related to tobacco sampling [SB 5110] had been introduced and the Department had indicated support of said bill.

Board Member Conlin inquired about the bill related to local legislation that would ban or restrict smoking in public places. He asked if that bill was specific to restaurants or included public spaces.

Dr. Plough responded that it was specific to restaurants. He further clarified that there was not yet a bill, just a legislative intent that the Department intended to seek support should such a bill emerge during the session.

Chair Edmonds noted that the several members of the Board of Health were also members of the County Legislative Steering Committee as well as the Washington Association of Counties Legislative Committee. She inquired about the City of Seattle's organization relative to legislative activities.

Board Member Pageler responded that the full Council meetings each Monday the Council receives a briefing from their State lobbyists and they review and act on their formally adopted legislative agenda. She added that public health funding was at the top of their agenda as well. She also commented on the involvement of the Association of Washington Cities and their representation of Seattle as well as the suburban cities.

Chair Edmonds invited Ms. Uhlorn to provide an overview of the Governor's proposed budget.

Ms. Uhlorn directed the Board's attention to a handout in their packet. Ms. Uhlorn stated that in terms of direct reductions to Public Health budget in King County, there were no reductions of funds that were specifically earmarked that would reduce the majority of funding in the Department's budget. She added that the Department intended to keep a very close watch on what was going to happen with "State Public Health Funding", formerly called

MVET Replacement Funding. Ms. Uhlorn stated that those public health funds are proposed to come out of the Health Services Account. She added that the Health Services Account was in serious jeopardy by about \$550 million. She stated that some of the funding that helped support that health services account came from initiative I-773, which expanded the basic health plan to an additional 47,000 residences of the State. She stated that the Governor's budget did hold that expansion in abeyance for a time and also proposed to cut an additional 60,000 enrollees on the basic health plan to help reduce the proposed deficit in that account.

Ms. Uhlorn stated that if the Governor's budgeted Basic Health Plan reduction did occur, there would be about \$300,000 deficit or a reduction to the Department. She also noted that there were proposed cuts to the Washington Department of Ecology representing a 15% reduction. She added that they did not know how DOE might pass along that proposed reduction to the local level.

Chair Edmonds invited Tom Bristow to comment on the Tri-Association Proposal.

Mr. Bristow stated that the President of the Association of Washington Cities (AWC), Chuck Mosher, was involved along with the President of the Washington Association of County Officials (WACO), and the President for the Washington Association of Counties (WSAC), put together a rather extensive legislative proposal. Mr. Bristow stated that the legislative proposal included a review of unfunded mandates; review of State laws which would allow cities and counties to be more cost-effective and efficient; local revenue option packages, and one specific to public health under the heading "Relief for Local Governments." Mr. Bristow read the language related to public health funding: "Continued funding for local public health is a high priority for State and local officials." He stated that the Tri-Association believes that the State must find the means to meet growing demands and assure State program funding. He added that the proposal was 25 cents of the State levy unused capacity, [property taxes] , could be used to fund public health in the State.

Chair Edmonds inquired if a bill had been drafted related to the proposal?

Tom Bristow responded that he was not aware of any such bill.

Chair Edmonds commented on the significance of the cities and counties working together to arrive at a solution to public health funding.

Chair Edmonds stated that the State Board of Health to date had only taken a position on one bill related to water recreation facilities. She stated that the State Board Chair had directed a letter in opposition to repealing water recreation facility regulations.

Chair Edmonds inquired of the Board as to the type of information they wanted to see in the coming months that would support Board members in remaining current on legislative activities. She also asked for direction from the Board regarding her activities as Board Chair. She pointed out that as elected officials she surmised that they too would be speaking to the issue of public health funding when meeting with legislators and engaging in activities.

Board Member Drago inquired about the follow up related to Board Member Pageler's forum that she convened in November 2002.

Board Member Pageler stated that she thought it was very significant that the issue has been framed in such a way that cities and counties across the state could get behind and support it.

Board Member Drago commented that the issue of public health funding and prescription drugs was of high concern to labor groups. She stated that she wished to convene a meeting with Chair Edmonds, Board Member Pageler and labor representatives.

Chair Carolyn Edmonds commented that there had also been considerable work being done by the Washington Association of Local Public Health Officials and the Washington Public Health Association.

Board Member Drago observed that it would be difficult to turn out a crowd in Olympia similar to the teachers, however she added that it was important that they had a clear message; a strategic plan for action.

Chair Edmonds concurred and added that it was part of the Board of Health's job to develop a plan for action.

Board Member Hutchinson inquired of Mr. Bristow as to whether or not they periodically assess their support for selected issues. He pointed out that if he was aware that someone in his district was not on board, he could play a role in educating that person to the issues.

Mr. Bristow responded that they were constantly counting votes. He added that he and his colleagues would continue working closely with Chair Edmonds so that she could communicate information to the full Board.

Board Member Irons asked if there was a different strategy employed in Olympia this year given the shift in power and Committee chairs.

Mr. Bristow responded that their team on the ground remained the same and that they worked on a bipartisan manner irrespective of what party is in the majority. He added that they hoped that members of the Board and their colleagues could become involved particularly when talks begin with the Chair of the Budget Committee and the Senate.

Board Member Conlin inquired about House Bill 1255, which he referred to as the "Dime a Drink" legislation. He asked if the bill was something that they could get a read on and whether Mr. Bristow had any feedback on that bill.

Tom Bristow indicated that he did not have any specifics at that time. He pointed out that it was early in the session and that many of the bill sponsors were still seeking addition sponsors and/or still under development. He stated that the King County legislative tracking system was tracking about 175 bills.

Board Member Conlin inquired as to whether this issue was something the Board should review.

Chair Edmonds requested that HB 1255 be added to the list. She indicated that she would send out an e-mail to Mary Lou Dickerson, the sponsor of the bill, and inform her that the Board was interested in the proposed legislation.

Board Member Hutchinson stated that he would like the Board to receive periodic feedback from Mr. Bristow regarding activity in Olympia related to bills of interest to public health.

Mr. Bristow stated that the city and county lobbying team met weekly with the Department Legislative Committee. Mr. Bristow suggested that perhaps information shared in that meeting regarding review of bills could also be shared with the Board of Health.

Ms. Moran stated that the Department did indeed field requests from the City and the County to review selected bills that were of interest or potentially of interest to public health. She stated that Board staff could offer the Board a summary of those bills.

Chair Edmonds agreed that a summary would be beneficial to the Board. She directed Board staff to prepare such a report and distribute it to Board members via e-mail on weekly basis.

Board Member Conlin stated that it would be essential to engage the new Health Professional Members.

Board Member Conlin suggested that some consideration be given to a lobby day for public health in Olympia.

Chair Edmonds suggested that the Public Health Association could organize the lobby day. She stated that Board staff should contact the President of the Public Health Association to relay the support for a lobby day for public health.

Chair Edmonds summarized the Board's discussion and direction: regular update and feedback from Mr. Bristow; weekly e-mails that summarized those bills reviewed by the Department; informing the Public Health Association as to the Board's interest and support for a public health lobby day; and an e-mail to Mary Lou Dickerson about HB 1255.

Chair Edmonds also asked that the Board consider directing her to write a letter to Budget Chairs outlining the critical need in King County for public health funding and the implications if funding is not secured. The Board concurred and directed Chair Edmonds to send the letter.

Board Member Drago inquired as to whether the Board should be looking at the prescription drug bills to which Chair Edmonds responded in the affirmative.

Adjournment

Chair Edmonds adjourned the Board meeting at 11:32 a.m.

KING COUNTY BOARD OF HEALTH

Carolyn Edmonds, Chair